

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Jerry Pelletier, et al.

Serial No: 09/407,804

Filed: September 28, 1999

For: DNA SEQUENCES FROM STAPHYLOCOCCUS
AUREUS BACTERIOPHAGE 77 THAT ENCODE
ANTI-MICROBIAL POLYPEPTIDES



) Group Art Unit: 1651

) Examiner: Not assigned

SUBMISSION OF MISSING PARTS AND RELATED APPLICATION PAPERS

Box Missing Parts
Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

I. DOCUMENTS ENCLOSED:

In response to the **NOTICE TO FILE MISSING PARTS OF APPLICATION UNDER 37 CFR § 1.53(f)**, which was mailed by the Patent Office on October 19, 1999, enclosed are:

- ☒ Combined Declaration and Power of Attorney
- ☐ Assignment of the invention to _____ (together with PTO Form 1595)
- ☒ A Verified Statement to establish "Small Entity Status" under 37 CFR §§ 1.9 and 1.27.
- ☐ Statement under 37 CFR §1.821
- ☐ Sequence Listing with Diskette

01/12/2000 SLUANG 00000008 09407804

01 FC:215

55.00 OP

CERTIFICATE OF MAILING
(37 C.F.R. §1.8a)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as First Class Mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

January 6, 2000

Date of Deposit

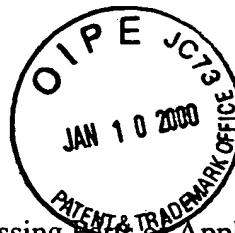
Robert Wickman

SD-142032.1
01/12/2000 SLUANG 00000009 09407804

Void date: 01/12/2000 SLUANG 00000008 09407804
01/12/2000 SLUANG 00000008 09407804
01 FC:215 -55.00 OP

01/12/2000 SLUANG 00000008 09407804

01 FC:215 55.00 OP



Patent
241/190

- ☒ A copy of the Notice to File Missing Parts of Application under 37 CFR § 1.53(f).

II. REQUEST FOR EXTENSION OF TIME:

The proceedings herein are for a patent application and the provisions of 37 CFR § 1.136 apply.

- ☒ Applicant(s) petitions for an extension of time under 37 CFR § 1.136 [fees: 37 CFR § 1.17(a)(1)-(5)] for the total number of months checked below:

EXTENSION (months)	FEE FOR SMALL ENTITY	FEE FOR OTHER THAN SMALL ENTITY
<input checked="" type="checkbox"/> one month	\$55.00	\$110.00
<input type="checkbox"/> two months	\$190.00	\$380.00
<input type="checkbox"/> three months	\$435.00	\$870.00
<input type="checkbox"/> four months	\$680.00	\$1,360.00
<input type="checkbox"/> five months	\$925.00	\$1,850.00
Fee		\$55.00

- ☒ If any additional extension is required please consider this a petition therefor and charge Deposit Account No. 12-2475 for the necessary amount.

III. FILING FEES

BASIC FILING FEE:							\$760.00
Total Claims	32	-	20	=	12	x \$18.00	\$216.00
Independent Claims	13	-	3	=	10	x \$78.00	\$780.00
Multiple Dependent Claims	\$260	(if applicable)				<input type="checkbox"/>	\$0.00
Surcharge 37 CFR § 1.16(e)	\$130	(if applicable)				<input checked="" type="checkbox"/>	\$130.00
TOTAL OF ABOVE CALCULATIONS							\$1,886.00
Reduction by ½ for Filing by Small Entity. Note 37 CFR §§ 1.9, 1.27, 1.28. If applicable, Verified Statement must be attached.							<input checked="" type="checkbox"/> \$943.00
Extension of Time 1 mo.(from above)							\$55.00
Assignment -- \$40 (if applicable)							<input type="checkbox"/> \$0.00
TOTAL FEES SUBMITTED HEREWITH							\$998.00

IV. METHOD OF PAYMENT OF FEES:

- ☒ A check in the amount of \$998.00 is enclosed to cover the above fee(s).
- ☐ Charge Deposit Account No. **12-2475** in the amount of .
- ☒ The Commissioner is authorized to charge Lyon & Lyon's Deposit Account No. **12-2475** for any fees required under 37 CFR §§ 1.16 and 1.17 that are not covered, in whole or in part, by a check enclosed herewith and to credit any overpayments to said Deposit Account No. **12-2475**.

Respectfully submitted,

LYON & LYON LLP

Dated: 4 January 2000

By: Wesley B. Ames
Wesley B. Ames
Reg. No. 40,893

633 West Fifth Street, Suite 4700
Los Angeles, California 90071-2066
(858) 552-8400
(858) 552-0159



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

#3

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO./TITLE
--------------------	---------------------	-----------------------	---------------------------

0974074804 09/28/99 PELLETIER

J 241/190

LYON AND LYON LLP
633 WEST FIFTH STREET SUITE 4700
LOS ANGELES CA 90071-2066

02627/1019



NOT ASSIGNED

Missing Parts due December 14, 1999 1651
DNA Seq Pct due December 19, 1999

DATE MAILED:

10/19/99

NOTICE TO FILE MISSING PARTS OF APPLICATION

Filing Date Granted

An Application Number and Filing Date have been assigned to this application. The items indicated below, however, are missing. Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). If any of items 1 or 3 through 5 are indicated as missing, the **SURCHARGE** set forth in 37 CFR 1.16(e) of ☐ \$65.00 for a small entity in compliance with 37 CFR 1.27, or ☐ \$130.00 for a non-small entity, must also be timely submitted in reply to this NOTICE to avoid abandonment.

If all required items on this form are filed within the period set above, the total amount owed by applicant as a

☐ small entity (statement filed) ☐ non-small entity is \$ 1126.94

☐ 1. The statutory basic filing fee is:

- ☐ missing
☐ insufficient

Applicant must submit \$

to complete the basic filing fee and/or file a small entity statement

claiming such status (37 CFR 1.27)

☒ 2. The following additional claims fees are due:

\$ 216 for 12 total claims over 20.

\$ 780 for 10 independent claims over 3.

\$ for multiple dependent claim surcharge.

Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.

☒ 3. The oath or declaration:

- ☒ is missing or unsigned.
☐ does not cover the newly submitted items.

An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date is required.

☐ 4. The signature(s) to the oath or declaration is/are by a person other than inventor or person qualified under 37 CFR 1.42, 1.43 or 1.47.

A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

☐ 5. The signature of the following joint inventor(s) is missing from the oath or declaration:

An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date, is required.

☒ 6. A \$50.00 processing fee is required since your check was returned without payment (37 CFR 1.21(m)).

☐ 7. Your filing receipt was mailed in error because your check was returned without payment.

☒ 8. The application was filed in a language other than English.

Applicant must file a verified English translation of the application, the \$130.00 set forth in 37 CFR 1.17(k), unless previously submitted, and a statement that the translation is accurate (37 CFR 1.52(d)).

☐ 9. OTHER:

Direct the reply and any questions about this notice to "Attention: Box Missing Parts."

A copy of this notice MUST be returned with the reply.

Customer Service Center
Initial Patent Examination Division (703) 308-1202

01/12/2000 SLUANG 00000010 09402804

01 FC:205

65.00 OP

02 FC:202

390.00 OP

03 FC:203

108.00 OP